

INTEGRATED PUBLIC ALERT AND WARNING SYSTEM
MODERNIZATION ACT OF 2012

SEPTEMBER 20, 2012.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. KING of New York, from the Committee on Homeland Security,
submitted the following

R E P O R T

[To accompany H.R. 3563]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 3563) to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to modernize and implement the national integrated public alert and warning system to disseminate homeland security information and other information, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

CONTENTS

	Page
Purpose and Summary	5
Background and Need for Legislation	5
Hearings	6
Committee Consideration	6
Committee Votes	8
Committee Oversight Findings	8
New Budget Authority, Entitlement Authority, and Tax Expenditures	8
Congressional Budget Office Estimate	8
Statement of General Performance Goals and Objectives	10
Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits ...	10
Federal Mandates Statement	10
Preemption Clarification	10
Advisory Committee Statement	10
Applicability to Legislative Branch	10
Section-by-Section Analysis of the Legislation	11
Changes in Existing Law Made by the Bill, as Reported	13

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Integrated Public Alert and Warning System Modernization Act of 2012”.

SEC. 2. FINDINGS.

Congress finds that—

- (1) numerous proven and tested technologies exist to enable the Federal Government to enhance its dissemination of public alerts and warnings;
- (2) the expected benefits of these enhancements include—
 - (A) greater security, reliability, and redundancy of the Federal Government’s alert and warning capabilities;
 - (B) rapid alert dissemination;
 - (C) an improved ability to notify remote locations;
 - (D) the ability to geographically target and deliver alerts and warnings through multiple communication modes; and
 - (E) the ability to permit homeland security grants to be utilized for the purposes of modernizing public alert and warning systems;
- (3) there is a need to test the viability of delivering messages through diverse communications modes to effectively alert and warn the public;
- (4) there is a need to modernize and improve the ability of the Federal Government to provide residents of the United States with timely and effective warnings; and
- (5) although significant Federal integration efforts are underway, the aggregation, dissemination, and reporting system necessary for effective public alert and warning will require an integrated national network for reliable, secure, and authentic dissemination of emergency alerts and warnings by Federal, State, local, and tribal entities that are authorized to issue alerts to the public.

SEC. 3. NATIONAL INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION.

(a) IN GENERAL.—

- (1) AMENDMENT.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end of the following new section:

“SEC. 526. NATIONAL INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION.

“(a) IN GENERAL.—In order to provide timely and effective warnings and disseminate homeland security information and other information, the Secretary shall, considering the recommendations of the advisory committee established under subsection (d), modernize and implement the national integrated public alert and warning system (in this section referred to as ‘the public alert and warning system’).

“(b) IMPLEMENTATION REQUIREMENTS.—In carrying out subsection (a), the Secretary shall—

- “(1) establish or adapt, as appropriate, common alerting and warning protocols, standards, terminology, and operating procedures for the public alert and warning system;
- “(2) include in the public alert and warning system the capability to adapt the dissemination of homeland security information and other information and the content of communications on the basis of geographic location, risks, or personal user preferences, as appropriate;
- “(3) include in the public alert and warning system the capability to alert, warn, and provide the equivalent amount of information to individuals with disabilities and access and functional needs;
- “(4) ensure the conduct of training, tests, and exercises for the public alert and warning system, and that the system is incorporated into other training and exercise programs of the Department, as appropriate;
- “(5) ensure that ongoing training, integrated into the National Incident Management System, for receiving and disseminating public alert and warning system messages utilizing advanced technologies is provided to State, local, tribal, and other homeland security stakeholders involved in the transmission of such messages;
- “(6) ensure that the public alert and warning system uses the National Terrorism Advisory System, including ensuring that the National Terrorism Advisory System participates in tests of the public alert and warning system;
- “(7) conduct, at least once every 3 years, periodic nationwide tests of the public alert and warning system; and
- “(8) consult, coordinate, and cooperate, to the extent practicable, with other Federal agencies and departments and with State, local, and tribal govern-

ments, the private sector, and other key stakeholders to leverage existing alert and warning capabilities.

“(c) SYSTEM REQUIREMENTS.—The Secretary shall ensure that the system—

“(1) incorporates redundant and diverse modes to disseminate homeland security information and other information in warning messages to the public so as to reach the greatest number of individuals;

“(2) can be adapted to incorporate future technologies;

“(3) is resilient, secure, and can withstand acts of terrorism and other external attacks;

“(4) promotes State, local, tribal, and regional partnerships to enhance coordination;

“(5) is designed to provide alerts that are accessible to the largest portion of the affected population feasible, including nonresident visitors and tourists and individuals with disabilities and access and functional needs;

“(6) is designed to improve the ability of remote areas and areas with underdeveloped telecommunications infrastructure to receive alerts; and

“(7) includes mechanisms to ensure the protection of individual privacy.

“(d) INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION ADVISORY COMMITTEE.—

“(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Integrated Public Alert and Warning System Modernization Act of 2012, the Secretary shall establish an advisory committee to be known as the Integrated Public Alert and Warning System Advisory Committee (in this subsection referred to as the ‘Advisory Committee’).

“(2) MEMBERSHIP.—The Advisory Committee shall be composed of the following members:

“(A) The Chairman of the Federal Communications Commission (or the Chairman’s designee).

“(B) The Administrator of the National Oceanic and Atmospheric Administration (or the Administrator’s designee).

“(C) The Assistant Secretary for Communications and Information of the Department of Commerce (or the Assistant Secretary’s designee).

“(D) The Under Secretary for Science and Technology of the Department of Homeland Security.

“(E) The Director of the Office of Disability Integration and Coordination of the Federal Emergency Management Agency.

“(F) The following members, to be appointed by the Secretary as soon as practicable after the date of enactment of the Integrated Public Alert and Warning System Modernization Act of 2012:

“(i) Representatives of State and local governments, representatives of emergency management agencies, representatives of emergency response providers, and representatives of emergency communication providers, selected from among individuals nominated by national organizations representing governments and personnel.

“(ii) Representatives from federally recognized Indian tribes and national Indian organizations.

“(iii) Individuals who have the requisite technical knowledge and expertise to serve on the Advisory Committee, including representatives of—

“(I) communications service providers;

“(II) vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for the provision of communications services;

“(III) third-party service bureaus;

“(IV) the broadcasting industry;

“(V) the cellular industry;

“(VI) the cable industry;

“(VII) the satellite industry;

“(VIII) national organizations representing individuals with disabilities and access and functional needs, and the elderly; and

“(IX) national organizations representing educational institutions, including higher education.

“(iv) Qualified representatives of such other stakeholders and interested and affected parties as the Secretary considers appropriate.

“(3) CHAIRPERSON.—The Secretary (or the Secretary’s designee) shall serve as the Chairperson of the Advisory Committee.

“(4) MEETINGS.—

“(A) INITIAL MEETING.—The initial meeting of the Advisory Committee shall take place not later than 120 days after the date of enactment of the Integrated Public Alert and Warning System Modernization Act of 2012.

“(B) OTHER MEETINGS.—After the initial meeting, the Advisory Committee shall meet, at least annually, at the call of the Chairperson.

“(C) NOTICE; OPEN MEETINGS.—Meetings held by the Advisory Committee shall be duly noticed at least 14 days in advance and shall be open to the public.

“(5) RULES.—The Advisory Committee may adopt such rules as are necessary to carry out its duties.

“(6) CONSULTATION WITH NONMEMBERS.—The Advisory Committee and the program office for the integrated public alert and warning system of the United States shall regularly meet with groups that are not represented on the Advisory Committee to consider new and developing technology that may be beneficial to the public alert and warning system, such as—

“(A) the Defense Advanced Research Projects Agency;

“(B) entities engaged in federally funded research; and

“(C) academic institutions engaged in relevant work and research.

“(7) RECOMMENDATIONS.—The Advisory Committee shall develop and submit in the annual reports under paragraph (8) recommendations for the continuation and improvement of an integrated public alert and warning system, including—

“(A) recommendations for common alerting and warning protocols, standards, terminology, and operating procedures for the public alert and warning system;

“(B) an assessment of the accomplishments and deficiencies of the public alert and warning system, as well as the impact on current alert and warning systems;

“(C) recommendations for increasing participation in the system, particularly among elementary, secondary, and higher education institutions; and

“(D) recommendations for improvements to the system, including recommendations to provide for a public alert and warning system that—

“(i) has the capability to adapt the distribution and content of communications on the basis of geographic location, risks, multiple communication systems and technologies or personal user preferences, as appropriate;

“(ii) has the capability to alert and warn individuals with disabilities and access and functional needs and individuals with limited English proficiency;

“(iii) incorporates multiple communications technologies;

“(iv) is designed to adapt to, and incorporate, future technologies for communicating directly with the public;

“(v) encourages proper use by State and local governments of the public alert and warning system through training programs and other means;

“(vi) is designed to provide alerts to the largest portion of the affected population feasible, including nonresident visitors and tourists, and improve the ability of remote areas to receive alerts;

“(vii) promotes local and regional public and private partnerships to enhance community preparedness and response;

“(viii) promotes the participation of representatives from underserved and underrepresented communities, to ensure that alerts and warnings reach such populations; and

“(ix) provides redundant alert mechanisms where practicable so as to reach the greatest number of people regardless of whether they have access to, or utilize, any specific medium of communication or any particular device.

“(8) REPORT.—Not later than 1 year after the date of enactment of the Integrated Public Alert and Warning System Modernization Act of 2012, and every year after, the Advisory Committee shall submit to the Secretary a report containing the recommendations of the Advisory Committee.

“(9) FEDERAL ADVISORY COMMITTEE ACT.—Neither the Federal Advisory Committee Act (5 U.S.C. App.) nor any rule, order, or regulation promulgated under that Act shall apply to the Advisory Committee.

“(e) REPORT.—Not later than 1 year after the date on which the system established under subsection (a) is fully functional and every six months thereafter, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of

the Senate, a report on the functionality and performance of the integrated public alert and warning system, including—

“(1) the findings of the most recent Advisory Committee report under subsection (d)(8);

“(2) an assessment of the accomplishments and deficiencies of the system;

“(3) recommendations for improvements to the system; and

“(4) information on the feasibility and effectiveness of disseminating homeland security information and other information, notices, and alerts prior to and following an incident requiring use of the system.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$13,400,000 for each of fiscal years 2013 through 2017.”

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to such title the following:

“Sec. 526. National integrated public alert and warning system modernization.”

(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this Act (including the amendment made by this Act) shall be construed to affect the authority of the Department of Commerce, the Federal Communications Commission, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

(c) HOMELAND SECURITY GRANTS.—Section 2008(a) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)) is amended—

(1) in paragraph (12), by striking “and” at the end;

(2) by redesignating paragraph (13) as paragraph (14); and

(3) by inserting after paragraph (12) the following new paragraph:

“(13) improving public alert and warning capabilities; and”.

PURPOSE AND SUMMARY

The purpose of H.R. 3563 is to authorize the Integrated Public Alert and Warning System (IPAWS) to ensure the timely and effective distribution of alerts and warnings.

BACKGROUND AND NEED FOR LEGISLATION

Since its establishment in April 2007, the Department of Homeland Security (DHS) Integrated Public Alert and Warning System (IPAWS) Program Management Office (PMO) has been operating without Congressional authorization. Given the significant progress that the PMO has accomplished since its establishment, the time has come for Congress to provide the necessary support and direction to ensure that IPAWS reaches its goals. This legislation provides the Secretary with direction on the necessary system requirements that IPAWS must achieve, such as the ability to provide timely alerts and warnings to the largest segment of the population possible.

This legislation is the product of a number of hearings held by the Subcommittee on Emergency Preparedness, Response, and Communications in the 112th and previous Congresses, including a July 8, 2011, hearing entitled, “Communicating With the Public During Emergencies: An Update on Federal Alerts and Warnings,” which focused specifically on IPAWS and at which Members of the Subcommittee received testimony from Federal witnesses and stakeholders. The Subcommittee continued its oversight of IPAWS at a November 17, 2011, hearing, which explored the various emergency communications offices and programs at the Department of Homeland Security. The director of the IPAWS PMO testified at that hearing and provided Members of the Subcommittee with an update on the national test of the Emergency Alert System and implementation of the Commercial Mobile Alert System (CMAS).

HEARINGS

The Committee did not hold any hearings on H.R. 3563; however, the Committee held the following oversight hearings:

On July 8, 2011, the Subcommittee on Emergency Preparedness, Response, and Communications held a hearing entitled, “Communicating With the Public During Emergencies: An Update on Federal Alert and Warnings.” The Subcommittee received testimony from Mr. Damon Penn, Assistant Administrator, National Continuity Programs, Federal Emergency Management Agency, Department of Homeland Security; RADM James A. Barnett, Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission; Mr. Christopher Guttman-McCabe, Vice President, Regulatory Affairs, CTIA—The Wireless Association; Ms. Suzanne D. Goucher, President and CEO, Maine Association of Broadcasters, *testifying on behalf of the National Alliance of State Broadcasting Associations*; and Mr. Allen W. Kniphfer, Emergency Coordinator, Jefferson County, Alabama.

On November 17, 2011, the Subcommittee on Emergency Preparedness, Response, and Communications held a hearing entitled, “Ensuring Coordination and Cooperation: A Review of the Emergency Communications Offices Within the Department of Homeland Security.” The Subcommittee received testimony from Mr. Chris Essid, Director, Office of Emergency Communications, Department of Homeland Security; Mr. John O’Connor, Manager, National Coordinating Center for Communications, National Protection and Programs Directorate, Department of Homeland Security; Mr. Damon Penn, Assistant Administrator, National Continuity Programs, Federal Emergency Management Agency, Department of Homeland Security; Mr. Eric Edwards, Director, Disaster Emergency Communications Division, Response Directorate, Federal Emergency Management Agency, Department of Homeland Security; and Ms. Linda K. Moore, Specialist in Telecommunications and Spectrum Policy, Congressional Research Service.

COMMITTEE CONSIDERATION

The Subcommittee on Emergency Preparedness, Response, and Communications met on December 8, 2011, to consider H.R. 3563, and ordered the measure to be reported to the Full Committee with a favorable recommendation, amended, by voice vote. The Subcommittee took the following actions:

The Subcommittee adopted H.R. 3563, as amended, by voice vote.

The following amendments were offered:

An Amendment by MS. RICHARDSON (#1); was WITHDRAWN by unanimous consent.

Page 5, strike lines 1 through 2 and insert a new paragraph

“(6) conduct a nationwide test of the public alert and warning system not less than once every two years in coordination with State, local, tribal, and other homeland security stakeholders; and;”

An Amendment by MS. RICHARDSON (#2); was AGREED TO by voice vote.

Page 4, after line 19, insert a new paragraph (and redesignate the subsequent paragraphs accordingly)

“(4) ensure that ongoing training for receiving and dissemination public alert and warning system messages utilizing advanced technologies is provided to State, local, tribal, and other homeland security stakeholders involved in the transmission of such messages.”

The Committee met on March 28, 2012, to consider H.R. 3563, and ordered the measure to be reported to the House with a favorable recommendation, amended, by voice vote. The Committee took the following actions:

The following amendments were offered:

An Amendment in the Nature of a Substitute offered by MR. BILIRAKIS (#1); was AGREED TO by voice vote.

A unanimous consent request by MR. BILIRAKIS to insert after “with” on page 11, line 2, “disabilities and”; was not objected to.

An amendment to the Amendment in the Nature of a Substitute offered by MR. MCCAUL (#1A); was AGREED TO by unanimous consent.

Page 4, line 12, after “training” insert “, integrated into the National Incident Management System,”.

An amendment to the Amendment in the Nature of a Substitute offered by MR. THOMPSON (#1B); was AGREED TO by unanimous consent.

Page 5, beginning at line 22, strike “needs” and all that follows through line 23 and insert “needs;”.

Page 5 after line 23, insert the following, (and redesignate accordingly:

“(6) is designed to improve the ability of remote areas and areas with under-developed telecommunications infrastructure to receive alerts; and

An amendment to the Amendment in the Nature of a Substitute offered by MS. RICHARDSON (#1C); was AGREED TO by unanimous consent.

Page 8, line 10, strike “and” after the semicolon.

Page 8, line 14, strike the period and insert “; and”.

Page 8, after line 14, insert the following:

“(IX) national organizations representing educational institutions, including higher education.

Page 10, line 15, strike “and” after the semicolon.

Page 10, after line 15, insert the following (and redesignate the subsequent quoted subparagraph accordingly):

“(C) recommendations for increasing participation in the system, particularly among elementary, secondary, and higher education institutions; and.

An amendment to the Amendment in the Nature of a Substitute offered by MS. JACKSON LEE (#1D); was AGREED TO by unanimous consent.

Page 11, line 21, strike “and” after the semicolon.

“(viii) promotes the participation of representatives from underserved and underrepresented communities, to ensure that alerts and warnings reach such populations; and”.

An amendment to the Amendment in the Nature of a Substitute offered by MS. HAHN (#1E); was WITHDRAWN by unanimous consent.

Page 4, line 23, strike “and”.

Page 4, after line 23, insert the following (and redesignate the subsequent paragraph accordingly):

“(8) consult with the Administrator of the National Oceanic and Atmospheric Administration to ensure the Alaska Tsunami Warning Center are capable of participating in tests of the public alert and warning system; and;

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 3563.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 3563, the Integrated Public Alert and Warning System Modernization Act of 2011, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 16, 2012.

Hon. PETER T. KING,
*Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3563, the Integrated Public Alert and Warning System Modernization Act of 2012.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Daniel Hoople.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 3563—Integrated Public Alert and Warning System Modernization Act of 2012

Summary: H.R. 3563 would authorize appropriations totaling \$67 million over the 2013–2017 period for the Department of Homeland Security (DHS) to modernize the Integrated Public Alert Warning System (IPAWS), a system for issuing nationwide alerts regarding emergency situations. The bill also would establish a committee to develop and submit recommendations for continuing and improving the system. CBO estimates that implementing H.R. 3563 would result in discretionary spending totaling \$38 million over the next five years and \$29 million in subsequent years after 2017, assuming appropriation of the specified amounts.

Enacting this legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 3563 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3563 is shown in the following table. The costs of this legislation fall within budget function 450 (community and regional development).

	By fiscal year, in millions of dollars—					
	2013	2014	2015	2016	2017	2013–2017
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level	13	13	13	13	13	67
Estimated Outlays	5	8	10	13	13	38

Basis of estimate: For this estimate, CBO assumes that the legislation will be enacted by the end of 2012 and that amounts specified will be appropriated for each year.

H.R. 3563 would authorize the appropriation of \$13.4 million per year over the 2013–2017 period (for a total of \$67 million) for DHS to modernize and implement IPAWS. The annual authorization level is roughly the same amount that CBO estimates was allocated for that activity in 2012.

IPAWS utilizes multiple technologies (for example, satellite radios, computers, and cellular phones) in addition to traditional radio and television communications to provide information about an impending or ongoing emergency situation. The bill specifies several criteria that a modernized IPAWS would be required to meet. DHS is currently pursuing several of these criteria under Executive Order 13407. Other goals not specified by that order, but set forth by the bill, include ensuring that state and local governments and other stakeholders are trained to use the system, as appropriate, and that nationwide tests be conducted at least once every three years.

The bill also would establish an advisory committee to develop recommendations to continue improvements to IPAWS. Within one year of enactment, the committee would be required to submit a report outlining those recommendations.

Based on the rate of prior spending by DHS for similar activities, CBO estimates that implementing H.R. 3563 would result in discretionary spending totaling \$38 million over the next five years and \$29 million in later years, assuming appropriation of the specified amounts.

Pay-As-You-Go considerations: None.

Intergovernmental and private-sector impact: H.R. 3563 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal costs: Daniel Hoople; Impact on state, local, and tribal governments: Melissa Merrell; Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 3563 contains the following general performance goals, and objectives, including outcome related goals and objectives authorized.

H.R. 3563 authorizes the Integrated Public Alert and Warning System with the goal of providing reliable alerts and warnings to the American public through diverse modes of communications.

To ensure efficient and effective System performance, H.R. 3563 requires the Secretary of Homeland Security to report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs in the Senate within one year of the Integrated Public Alert and Warning System becoming fully functional and every six months thereafter on the functionality and performance of the system. In addition, the bill includes requirements for the periodic testing of the system.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED
TARIFF BENEFITS

In compliance with rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H.R. 3563 does not preempt any State, local, or Tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides that H.R. 3563 may be cited as the “Integrated Public Alert and Warning System Modernization Act of 2011.”

Sec. 2. Findings

This section sets forth a number of findings, which include:

- Technologies allow for the enhancement of the Federal Government’s alert and warning system.
- Greater security, reliability, and ability to notify remote locations and to geographically target alerts to multiple devices, are all benefits of these enhancements.
- A need to modernize and improve the ability of the Federal Government to warn citizens of impending threats.

Sec. 3. National integrated public alert and warning system modernization

This section amends Title V of the Homeland Security Act of 2002 by adding a new section, 526, which directs the Secretary of Homeland Security (Secretary) to modernize and implement the national integrated public alert and warning system.

Implementation requirements

This section requires the Secretary to adopt certain requirements, including common standards and protocols, terminology, and common operating procedures in the system. The system must be able to send messages to a specific geographic location and enable persons with disabilities to receive alerts. Training on message dissemination must be incorporated into Department of Homeland Security’s (DHS) exercise programs and the National Incident Management System (NIMS). The system must be tested periodically and the National Terrorism Advisory System must participate in these tests. Coordination between Federal, State, local, and tribal governments as well as private sector stakeholders must be leveraged.

The Committee notes the importance of provisions in the bill requiring the Secretary to consult, coordinate, and cooperate, to the extent practicable, with other Federal agencies and departments, and with State, local, and tribal governments, the private sector, and other key stakeholders to leverage existing alert and warning capabilities. In particular, the Committee directs the Secretary to work with the Administrator of the National Oceanic and Atmospheric Administration to ensure that the West Coast and Alaska Tsunami Warning Center and the Pacific Tsunami Warning Center are capable of providing timely and accurate tsunami warnings and participating in tests of the Integrated Public Alert and Warning System.

System requirements

This section requires the Secretary to ensure that the system incorporates redundant and diverse modes of communications to deliver messages and alerts and that future technology must be adaptable to the system. The system must be hardened to with-

stand natural disasters and terrorist attacks and regional partnerships between States must be promoted. The system must improve the ability of remote areas and areas with underdeveloped telecommunications infrastructure to receive alerts, and include mechanisms to ensure the protection of individual privacy.

Language in sections 526(b)(3) and 526(c)(5) requires that the system be designed to provide alerts that are accessible to the largest portion of the affected population feasible, including individuals with disabilities and access and functional needs and non-resident visitors and tourists. Pursuant to the 21st Century Communications Video Accessibility Act of 2010, private sector partners, including participants on the Federal Communications Commission's Video Programming Accessibility Advisory Committee, are working through the issues associated with improving the access of individuals with disabilities to communications services and equipment, including during times of emergency. This language is intended to facilitate the dissemination, where appropriate, of non-English language emergency messages as they are received by IPAWS participants from the public alert and warning system, but does not mandate that broadcasters translate the message into multiple languages.

Advisory Committee

The legislation establishes an IPAWS Advisory Committee composed of Federal, State, local, and tribal representatives, the private sector, educational institutions, and a consumer/privacy advocate. The Advisory Committee is instructed to: meet at least once a year; consult with outside groups to consider new and developing technology; and issue a yearly report to the Secretary of Homeland Security with recommendations on how to improve IPAWS.

Report

One year after the date on which the system becomes fully functional and every six months thereafter, the section requires the Secretary to submit a report to the House Committee on Homeland Security and the Senate Committee on Homeland Security and Governmental Affairs on the findings of the advisory committee report, the functionality and performance of the system, including a list of accomplishments and deficiencies, recommended improvements, and information on the effectiveness of the system, including among educational institutions and underserved and underrepresented communities.

Authorization of appropriations

The section authorizes \$13.4 million for each of fiscal years 2013 through 2017.

Limitation on statutory construction

Nothing in this legislation shall be construed to affect the authority of the Department of Commerce, the Federal Communications Commission, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) * * *

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

* * * * *

TITLE V—NATIONAL EMERGENCY MANAGEMENT

* * * * *

Sec. 526. *National integrated public alert and warning system modernization.*

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**TITLE V—NATIONAL EMERGENCY
MANAGEMENT**

* * * * *

SEC. 526. NATIONAL INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION.

(a) *IN GENERAL.*—In order to provide timely and effective warnings and disseminate homeland security information and other information, the Secretary shall, considering the recommendations of the advisory committee established under subsection (d), modernize and implement the national integrated public alert and warning system (in this section referred to as “the public alert and warning system”).

(b) *IMPLEMENTATION REQUIREMENTS.*—In carrying out subsection (a), the Secretary shall—

(1) establish or adapt, as appropriate, common alerting and warning protocols, standards, terminology, and operating procedures for the public alert and warning system;

(2) include in the public alert and warning system the capability to adapt the dissemination of homeland security information and other information and the content of communications on the basis of geographic location, risks, or personal user preferences, as appropriate;

(3) include in the public alert and warning system the capability to alert, warn, and provide the equivalent amount of information to individuals with disabilities and access and functional needs;

(4) ensure the conduct of training, tests, and exercises for the public alert and warning system, and that the system is incorporated into other training and exercise programs of the Department, as appropriate;

(5) ensure that ongoing training, integrated into the National Incident Management System, for receiving and disseminating public alert and warning system messages utilizing advanced technologies is provided to State, local, tribal, and other homeland security stakeholders involved in the transmission of such messages;

(6) ensure that the public alert and warning system uses the National Terrorism Advisory System, including ensuring that the National Terrorism Advisory System participates in tests of the public alert and warning system;

(7) conduct, at least once every 3 years, periodic nationwide tests of the public alert and warning system; and

(8) consult, coordinate, and cooperate, to the extent practicable, with other Federal agencies and departments and with State, local, and tribal governments, the private sector, and other key stakeholders to leverage existing alert and warning capabilities.

(c) **SYSTEM REQUIREMENTS.**—The Secretary shall ensure that the system—

(1) incorporates redundant and diverse modes to disseminate homeland security information and other information in warning messages to the public so as to reach the greatest number of individuals;

(2) can be adapted to incorporate future technologies;

(3) is resilient, secure, and can withstand acts of terrorism and other external attacks;

(4) promotes State, local, tribal, and regional partnerships to enhance coordination;

(5) is designed to provide alerts that are accessible to the largest portion of the affected population feasible, including nonresident visitors and tourists and individuals with disabilities and access and functional needs;

(6) is designed to improve the ability of remote areas and areas with underdeveloped telecommunications infrastructure to receive alerts; and

(7) includes mechanisms to ensure the protection of individual privacy.

(d) **INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION ADVISORY COMMITTEE.**—

(1) **ESTABLISHMENT.**—Not later than 90 days after the date of enactment of the Integrated Public Alert and Warning System Modernization Act of 2012, the Secretary shall establish an advisory committee to be known as the Integrated Public Alert and Warning System Advisory Committee (in this subsection referred to as the “Advisory Committee”).

(2) **MEMBERSHIP.**—The Advisory Committee shall be composed of the following members:

(A) The Chairman of the Federal Communications Commission (or the Chairman’s designee).

(B) The Administrator of the National Oceanic and Atmospheric Administration (or the Administrator’s designee).

(C) The Assistant Secretary for Communications and Information of the Department of Commerce (or the Assistant Secretary’s designee).

(D) *The Under Secretary for Science and Technology of the Department of Homeland Security.*

(E) *The Director of the Office of Disability Integration and Coordination of the Federal Emergency Management Agency.*

(F) *The following members, to be appointed by the Secretary as soon as practicable after the date of enactment of the Integrated Public Alert and Warning System Modernization Act of 2012:*

(i) *Representatives of State and local governments, representatives of emergency management agencies, representatives of emergency response providers, and representatives of emergency communication providers, selected from among individuals nominated by national organizations representing governments and personnel.*

(ii) *Representatives from federally recognized Indian tribes and national Indian organizations.*

(iii) *Individuals who have the requisite technical knowledge and expertise to serve on the Advisory Committee, including representatives of—*

(I) *communications service providers;*

(II) *vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for the provision of communications services;*

(III) *third-party service bureaus;*

(IV) *the broadcasting industry;*

(V) *the cellular industry;*

(VI) *the cable industry;*

(VII) *the satellite industry;*

(VIII) *national organizations representing individuals with disabilities and access and functional needs, and the elderly; and*

(IX) *national organizations representing educational institutions, including higher education.*

(iv) *Qualified representatives of such other stakeholders and interested and affected parties as the Secretary considers appropriate.*

(3) *CHAIRPERSON.—The Secretary (or the Secretary's designee) shall serve as the Chairperson of the Advisory Committee.*

(4) *MEETINGS.—*

(A) *INITIAL MEETING.—The initial meeting of the Advisory Committee shall take place not later than 120 days after the date of enactment of the Integrated Public Alert and Warning System Modernization Act of 2012.*

(B) *OTHER MEETINGS.—After the initial meeting, the Advisory Committee shall meet, at least annually, at the call of the Chairperson.*

(C) *NOTICE; OPEN MEETINGS.—Meetings held by the Advisory Committee shall be duly noticed at least 14 days in advance and shall be open to the public.*

(5) *RULES.—The Advisory Committee may adopt such rules as are necessary to carry out its duties.*

(6) *CONSULTATION WITH NONMEMBERS.—The Advisory Committee and the program office for the integrated public alert*

and warning system of the United States shall regularly meet with groups that are not represented on the Advisory Committee to consider new and developing technology that may be beneficial to the public alert and warning system, such as—

- (A) the Defense Advanced Research Projects Agency;*
- (B) entities engaged in federally funded research; and*
- (C) academic institutions engaged in relevant work and research.*

(7) RECOMMENDATIONS.—The Advisory Committee shall develop and submit in the annual reports under paragraph (8) recommendations for the continuation and improvement of an integrated public alert and warning system, including—

(A) recommendations for common alerting and warning protocols, standards, terminology, and operating procedures for the public alert and warning system;

(B) an assessment of the accomplishments and deficiencies of the public alert and warning system, as well as the impact on current alert and warning systems;

(C) recommendations for increasing participation in the system, particularly among elementary, secondary, and higher education institutions; and

(D) recommendations for improvements to the system, including recommendations to provide for a public alert and warning system that—

(i) has the capability to adapt the distribution and content of communications on the basis of geographic location, risks, multiple communication systems and technologies or personal user preferences, as appropriate;

(ii) has the capability to alert and warn individuals with disabilities and access and functional needs and individuals with limited English proficiency;

(iii) incorporates multiple communications technologies;

(iv) is designed to adapt to, and incorporate, future technologies for communicating directly with the public;

(v) encourages proper use by State and local governments of the public alert and warning system through training programs and other means;

(vi) is designed to provide alerts to the largest portion of the affected population feasible, including non-resident visitors and tourists, and improve the ability of remote areas to receive alerts;

(vii) promotes local and regional public and private partnerships to enhance community preparedness and response;

(viii) promotes the participation of representatives from underserved and underrepresented communities, to ensure that alerts and warnings reach such populations; and

(ix) provides redundant alert mechanisms where practicable so as to reach the greatest number of people regardless of whether they have access to, or utilize,

any specific medium of communication or any particular device.

(8) *REPORT.*—Not later than 1 year after the date of enactment of the Integrated Public Alert and Warning System Modernization Act of 2012, and every year after, the Advisory Committee shall submit to the Secretary a report containing the recommendations of the Advisory Committee.

(9) *FEDERAL ADVISORY COMMITTEE ACT.*—Neither the Federal Advisory Committee Act (5 U.S.C. App.) nor any rule, order, or regulation promulgated under that Act shall apply to the Advisory Committee.

(e) *REPORT.*—Not later than 1 year after the date on which the system established under subsection (a) is fully functional and every six months thereafter, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, a report on the functionality and performance of the integrated public alert and warning system, including—

(1) *the findings of the most recent Advisory Committee report under subsection (d)(8);*

(2) *an assessment of the accomplishments and deficiencies of the system;*

(3) *recommendations for improvements to the system; and*

(4) *information on the feasibility and effectiveness of disseminating homeland security information and other information, notices, and alerts prior to and following an incident requiring use of the system.*

(f) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to the Secretary to carry out this section \$13,400,000 for each of fiscal years 2013 through 2017.

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TITLE XX—HOMELAND SECURITY GRANTS

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Subtitle A—Grants to States and High-Risk Urban Areas

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SEC. 2008. USE OF FUNDS.

(a) *PERMITTED USES.*—The Administrator shall permit the recipient of a grant under section 2003 or 2004 to use grant funds to achieve target capabilities related to preventing, preparing for, protecting against, and responding to acts of terrorism, consistent with a State homeland security plan and relevant local, tribal, and regional homeland security plans, through—

(1) * * *

* * * * *

(12) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for the State Homeland Se-

curity Grant Program, the Urban Area Security Initiative (including activities permitted under the full-time counterterrorism staffing pilot), or the Law Enforcement Terrorism Prevention Program; **and**

(13) improving public alert and warning capabilities; and

[(13)] *(14) any other appropriate activity, as determined by the Administrator.*

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